



## ROTHWELL, FIGG, ERNST &amp; MANBECK, P.C.

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April 25, 2014

Honorable Alison J. Nathan  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 906  
New York, New York 10007

Re: *Braintree Laboratories, Inc. v. Breckenridge Pharmaceutical, Inc.*  
Case No.: 12-cv-6851-AJN

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Bar. Practice limited to patent,  
trademark and copyright matters  
and cases in federal courts.

Of Counsel  
William N. Hughet

Dear Judge Nathan:

We represent Defendant Breckenridge Pharmaceutical, Inc. (“Breckenridge”), the successor in interest of Cypress Pharmaceutical, Inc., in the above-referenced action. (See D.I. 62.) We submit this joint letter on behalf of Plaintiff Braintree Laboratories, Inc. (“Braintree”) and Breckenridge to request a two (2) business day extension of time for the parties to “submit a letter indicating whether further action in this matter is warranted” pursuant to this Court’s January 17, 2014 order (D.I. 65), in view of the April 22, 2014 decision of the United States Court of Appeals for the Federal Circuit in *Braintree Laboratories, Inc. v. Novel Laboratories, Inc.*, No. 13-1348 (the “Novel Case”). The proposed new due date is April 29, 2014.

We understand that Rule 1.D of your Individual Practices requires that “requests for adjournment or extension of time must be made at least 48 hours prior to the scheduled deadline.” However, given that the Order set a three day time period for the submission of the letter, the parties did not realize they would require an extension until the 48 hour time period had passed.

Pursuant to Rule 1.D of your Individual Practices, Breckenridge provides the following information:

- (1) the original due date: **April 25, 2014**
- (2) the number of previous requests for adjournment or extension: **None**
- (3) whether these previous requests were granted or denied: **N/A**
- (4) whether the adversary consents: **Yes**

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Honorable Alison J. Nathan  
April 25, 2014  
Page 2

Respectfully submitted,



Steven Lieberman

cc: All counsel of record

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

Honorable Alison J. Nathan  
April 25, 2014  
Page 3

**SO ORDERED:**

Dated: April \_\_\_, 2014

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Honorable Alison J. Nathan  
Judge, United States District Court  
for the Southern District of New York

**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2014, a true and correct copy of the foregoing **LETTER FROM STEVEN LIEBERMAN TO JUDGE NATHAN** was filed through the Court's Electronic Filing System (ECF), and was served electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

*/s/ Erik van Leeuwen*  
Erik van Leeuwen  
Litigation Operations Manager  
Rothwell, Figg, Ernst & Manbeck, P.C.